

Message Text

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ACTION EB-07

INFO OCT-01 EUR-12 ISO-00 L-03 INR-07 SS-15 SSO-00

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O 261446Z MAY 77

FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 3191

C O N F I D E N T I A L SECTION 01 OF 03 PARIS 15498

STADIS////////////////////////////////

E.O. 11652 GDS

TAGS: EAIR, FR, US

SUBJECT: CIVAIR: NATIONAL AIRLINES PERMIT FOR
MIAMI-PARIS

REF: STATE 121178

1. SUMMARY. WE DISAGREE WITH CONCORDE PREMISE
OF REFTEL AND CONSIDER IT WOULD BE ILL-ADVISED
FOR CAB TO CONDITION APPROVAL OF TORONTO
EXTENSION. END SUMMARY.

2. IN OUR VIEW, ANYTHING SHORT OF RAPID,
UNCONDITIONAL CAB APPROVAL OF REQUEST FOR
EXTENSION OF AIR FRANCE'S AUTHORITY AT TORONTO
WOULD NEEDLESSLY EXACERBATE US-FRANCE CIVAIR
RELATIONS AND , SPECIFICALLY, MIGHT NOT SERVE
THE TACTICAL END OF HASTENING GOF ISSUANCE OF
NATIONAL'S AUTHORIZATION FOR MIAMI-PARIS
SERVICE.

3. WE DO NOT SHARE DEPT'S PREOCCUPATION
WITH POSSIBLE CONCORDE ANGLE HINGING ON
JUNE 1 RULING BY THE APPEALS COURT.

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NOTWITHSTANDING GOF'S PREVIOUSLY
EXPRESSED BITTERNESS THAT WE NOT ASSOCIATED
OURSELVES WITH LAWSUIT FILED IN THE DISTRICT
COURT, THE FACT THAT THE DISTRICT COURT RULED
IN FRENCH/BRITISH FAVOR AND THE CASE IS NOW
WORKING ITS WAY UP THE LADDER IN THE JUDICIARY
BRANCH HAS ALTERED THE WHOLE NATURE OF THE

CONCORDE PROBLEM AS IT HAS EXISTED TO DATE IN RELATIONS BETWEEN THE EXECUTIVE BRANCH OF THE USG AND THE GOF. (THIS LEAVES ASIDE, OF COURSE, THE QUESTION OF DOT'S DECISION LATER THIS YEAR ON WHETHER TO GRANT PERMANENT AUTHORIZATION FOR CONCORDE SERVICE TO DULLES.) EVEN IF THE APPEALS COURT WERE TO OVERRULE THE LOWER COURT'S DECISION ON CONCORDE LANDINGS AT JFK, WE SUSPECT THAT THE GOF WOULD BE MUCH LESS DISINCLINED THAN IN OTHER CIRCUMSTANCES TO TAKE THIS OUT ON THE EXECUTIVE BRANCH THROUGH RETALIATION BY, SAY, FURTHER DELAY IN ISSUANCE OF NATIONAL'S AUTHORIZATION.

4. TO BE SURE, IN PREVIOUS REPORTING WE HAVE CITED CONCORDE AS PROBABLY HAVING BEEN A CONTRIBUTING FACTOR TO FRENCH FOOTDRAGGING ON NATIONAL'S DOSSIER, FIRST, BECAUSE THE FRENCH WERE NOT DISPOSED TO DO US A SPECIAL FAVOR IN MOVING FAST ON NATIONAL AFTER THEY HAD WAITED SO LONG TO OBTAIN APPROVAL FOR CONCORDE TO LAND AT NEW YORK; AND SECONDLY, IN THE CONTEXT OF THE US-UK NEGOTIATIONS. NONETHELESS, WHILE THIS MAY HAVE HAD A BEARING ON WHY THE FRENCH HAVE NOT MOVED SOONER ON NATIONAL'S AUTHORIZATION, WE SEE NO BASIS NOW TO ASSUME AS IN LAST SENTENCE PARA 1 REFTEL THAT FRENCH EXPRESSION OF READINESS TO ISSUE NATIONAL AUTHORIZATION

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IF CAB ACTS ON TORONTO WAS ALSO DIRECTLY RELATED TO IMMEDIATE OUTCOME FOR CONCORDE AT NEW YORK. MUCH OF THE PROBLEM AT NEW YORK HAS STEMMED FROM THE PORT AUTHORITY'S REPEATED POSTPONEMENT OF ACTION PENDING SOME NEW DEVELOPMENT, AND WE WOULD BE RELUCTANT NOW TO SEE THE USG EMBARK ON THIS SAME APPROACH.

5. THE JOINT POSITION OF THE FOREIGN MINISTRY AND DGAC CONVEYED TO US BY CLAUDE-LAFONTAINE MAY 24 AND RELAYED BY TELCON TO DEPT. WAS THAT (A) TORONTO IS TRADE-OFF FOR NICE; (B) GOF ONGOING STUDY OF NATIONAL DOSSIER WAS "PERFECTLY

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ACTION EB-07

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 3192

C O N F I D E N T I A L SECTION 02 OF 03 PARIS 15498

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NORMAL...JUST AS CAB STUDIES AIR FRANCE DOSSIERS";
AND (C) IF WITHIN FORTY-EIGHT HOURS CAB APPROVED
TORONTO EXTENSION AS REQUESTED THEN THAT
WOULD CREATE "EXCELLENT CLIMATE" AND PLACE GOF
IN "EXCELLENT HUMOR" TO HASTEN ISSUANCE OF
NATIONAL AUTHORIZATION. CONCORDE WAS AT NO
TIME MENTIONED OR ALLUDED TO BY CLAUDE-LAFONTAINE
IN THAT CONVERSATION. IT IS OF COURSE ALWAYS
HAZARDOUS TO ATTEMPT TO PREDICT HOW FRENCH WOULD
REACT IF CONCORDE'S CHANCES AT NEW YORK WERE
SUDDENLY TO TURN SOUR, BUT OUR BEST ESTIMATE
TODAY IS THAT TORONTO/NICE/NATIONAL ARE ALL
PART OF A PACKAGE INVOLVING CLASSIC HORSE-TRADING
IN THE CONTEXT OF OUR BILATERAL CIVAIR RELATIONSHIP.

6. CLAUDE-LAFONTAINE'S REFUSAL TO BE PINNED
DOWN TO A SPECIFIC DATE BY WHICH "EARLY" ISSUANCE
OF NATIONAL'S AUTHORIZATION WOULD OCCUR FOLLOWING
TORONTO EXTENSION IS NOT TOO SURPRISING. WE THINK
THERE IS AN IMPORTANT ELEMENT OF FACE INVOLVED HERE.
DEPT., AND CAB, SHOULD NOT UNDERESTIMATE DEGREE
OF RESENTMENT STILL SMOULDERING ON FRENCH
SIDE OVER WHAT THEY SEE AS TIME-CONSUMING
AND SOMETIMES CAVALIER TREATMENT THEIR DOSSIERS
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SUFFER AT THE HANDS OF US CIVAIR AUTHORITIES.
(FOR EXAMPLE, CAB HANDLING OF CANCUN STILL REMAINS
A VERY SORE POINT WITH THEM. THEY WERE ALSO

INCENSED THAT DEPT. DEIGNED NOT EVEN ADDRESS ITSELF TO REQUEST FOR CO-TERMINAL RIGHTS AT CHICAGO AND PASSED OVER THE SUBJECT IN SILENCE IN ITS RESPONSE TO FRENCH EMBASSY NOTE-- STATE 4759.) THE FRENCH THEREFORE MAY HAVE TAKEN MALICIOUS DELIGHT IN GIVING US BACK SOME OF OUR OWN TREATMENT BY DRAGGING THEIR FEET ON THE NATIONAL DOSSIER. AND, BETWEEN US, IT IS DIFFICULT FOR US TO CONTEND THEIR DELAY IS "CONTRIVED" (STATE 90943) WHEN INDEED THEY WOULD SEEM TO BE WITHIN THEIR RIGHTS SINCE THEY CAN POINT TO THEIR OWN INTERNAL PROCEDURES WHICH REQUIRED SUBMISSION OF DOSSIERS FOR NEW LINES AT LEAST NINETY DAYS IN ADVANCE, SO THAT THEIR DECISION NEED BE ISSUED ONLY NINETY DAYS THEREAFTER. AGREEING NOW TO ISSUE NATIONAL'S AUTHORIZATION BY A SPECIFIC DATE IN EXCHANGE FOR IMMEDIATE CAB AUTHORIZATION OF TORONTO EXTENSION WOULD BE TO THEM BOWING TO OUR PRESSURE TO EXACT THE NATIONAL AUTHORIZATION FROM THEM; THEY WOULD PREFER IT TO LOOK AS IF WE HAD GIVEN IN FIRST ON TORONTO, AFTER WHICH IN FACE-SAVING MANNER THEY GRACIOUSLY CONCEDE US THE NATIONAL AUTHORIZATION.

7. IF THE CAB WERE TO LIMIT THE EXTENSION OF THE TORONTO AUTHORIZATION TO ONLY TEN DAYS, WHAT WOULD BE THE JUSTIFICATION? THE FRENCH ARE ALREADY AWARE, FROM WHAT CUVILLIER WAS TOLD BY BILLER IN WASHINGTON AND FROM WHAT WE TOLD HIM SUBSEQUENTLY (STATE 116908) AND FROM OUR MAY 24 CONVERSATION WITH CLAUDE-LAFONTAINE, THAT THE CAB WAS EXPECTED TO ACT IMMINENTLY ON THE CONFIDENTIAL

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TORONTO AUTHORIZATION. JUSTIFICATION CLAIMING THAT CAB NEEDED MORE TIME TO STUDY THE DOSSIER WOULD NOT BE VERY PERSUASIVE. MORE IMPORTANTLY, HOWEVER, HOW DO WE JUSTIFY IT TO TWA? TWA'S AUTHORIZATION TO SERVE NICE WOULD DOUBTLESS BE EXTENDED BY THE DGAC IN TURN FOR ONLY TEN DAYS BEYOND MAY 30. AS INDICATED PARA 11 PARIS 14707, CAN THE USG PLACE ITSELF IN THE POSITION OF SACRIFICING TWA'S INTERESTS AT NICE TO NATIONAL'S INTERESTS AT PARIS? WE CONTINUE TO THINK DOING SO WOULD BE ABSOLUTELY UNTENABLE.

8. AS CONCERNS THE POINT IN PARA 2 REFTTEL THAT UN-CONDITIONAL APPROVAL OF TORONTO EXTENSION WOULD MEAN THAT WE WOULD HAVE GIVEN UP OUR LEVERAGE, WOULD A TEN DAY EXTENSION ENHANCE OUR LEVERAGE? WE WONDER. IT MIGHT

SIMPLY GUARANTEE THAT ISSUANCE OF THE NATIONAL AUTHORIZATION WOULD BE DELAYED FOR AT LEAST TEN DAYS MORE. OR PERHAPS THE FRENCH MIGHT CHOOSE TO WAIT US OUT AND CALL OUR BLUFF, SINCE IF NONE OF THE AUTHORIZATIONS ARE RENEWED (OR EXTENDED, AS THE CASE MAY BE) THEN TWO OF OUR CARRIERS ARE HURT TO ONLY ONE OF THEIRS.

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FM AMEMBASSY PARIS

TO SECSTATE WASHDC IMMEDIATE 3193

C O N F I D E N T I A L SECTION 03 OF 03 PARIS 15498

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9 IT MAY BE THAT IN THIS WHOLE BUSINESS THE FOREST IS BEGINNING TO OBSCURE THE TREES. THE ESSENTIALS LOOK TO US TODAY TO BE AS FOLLOWS. ESPEROU HAS TOLD US (PARIS 14707) THAT THE NATIONAL AUTHORIZATION WOULD BE ISSUED "SOMETIME PRIOR TO JUNE 22" IF IN THE MEANTIME THE CAB GRANTED THE TORONTO EXTENSION. NATIONAL HAS NOW AGREED TO OPERATE FROM ORLY SOUTH TERMINAL AND IS FIRING UP THE NECESSARY ARRANGEMENTS WITH THE AEROPORT DE PARIS STAFF (PARIS 15416). NATIONAL WOULD OBVIOUSLY FEEL MORE COMFORTABLE HAVING THE FORMAL AUTHORIZATION FROM THE DGAC IN HAND AS EARLY AS POSSIBLE, BUT AS A PRACTICAL MATTER IT WOULD PROBABLY MAKE LITTLE DIFFERENCE EXCEPT FOR THE ULCERS OF NATIONAL'S TOP MANAGEMENT IF THE AUTHORIZATION WAS NOT FORTHCOMING UNTIL THE EVE OF JUNE 22. (AFTER ALL, TWA HAS OFTEN RECEIVED DGAC RENEWAL OF AUTHORIZATION TO SERVE NICE ONLY A DAY OR SO IN ADVANCE OF SCHEDULED EXPIRATION.) THE FOREIGN MINISTRY AND THE DGAC HAVE UNDERTAKEN NOW TO HASTEN ISSUANCE OF THE NATIONAL AUTHORIZATION, WHICH WE TAKE TO MEAN ISSUING IT WELL IN ADVANCE OF JUNE 22, IF THE CAB RAPIDLY APPROVES

EXTENSION OF TORONTO AUTHORITY. WE ARE ASKED TO HAVE
CONFIDENCE IN FRENCH GOOD FAITH IN THIS MATTER AND TO
CONTRIBUTE TO THE ONSET OF AN "EXCELLENT CLIMATE"
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IN OUR CIVIL RELATIONS. FOSTERING OF SUCH
A CLIMATE IS ALL THE MORE ESSENTIAL TO US IN VIEW
OF UNCERTAINTY OVER THE OUTCOME OF US-UK TALKS (E.G.,
TWA IS FILING WITH ESPEROU TODAY, MAY 26, ITS NEW
SCHEDULES COVERING THE CONTINGENCY OF EXPANDED SERVICE
TO PARIS IN THE EVENT OF SUSPENSION OF SERVICE TO THE
UK). RATHER THAN PLAYING GAMES WITH THE TORONTO EXTEN-
SION WE THINK THAT THE WISEST COURSE WOULD BE TO GET ON
WITH IT AND REMOVE THIS IRRITANT IN US-FRENCH CIVIL
RELATIONS. PERHAPS THE FRENCH WON'T THEN ISSUE THE
NATIONAL AUTHORIZATION THE VERY NEXT DAY BUT INSTEAD LET
US SWEAT IT OUT A COUPLE OF DAYS MORE TO
ASSUAGE THEIR OWN PRIDE AND MAYBE TO PLEASE THE BRITISH
A COUPLE OF MORE DAYS TOO. BUT WE WOULD BE VERY
SURPRISED IF THE NATIONAL AUTHORIZATION WOULD BE WITH-
HELD FOR VERY LONG AFTER THE CAB ACTED ON TORONTO.

10. WE HAVE JUST LEARNED IN A TELCON FROM AMEMBASSY
LONDON, SUBSEQUENT TO FINAL TYPING OF THE ABOVE, OF THE
REQUEST LEVIED ON THE DEPT. AND DOT BY THE APPEALS
COURT FOR SUBMISSION OF BRIEFS ADDRESSING THE SCOPE OF
THE COLEMAN DECISION AS WELL AS THE QUESTION OF INTER-
NATIONAL OBLIGATIONS. WE ARE NOT IN A POSITION TO ASSESS,
FROM HERE AND AT THIS STAGE, HOW THIS LAST-MINUTE
DEVELOPMENT MAY ALTER SOME OF THE ARGUMENTS SET FORTH
IN THIS MESSAGE. ON BALANCE, HOWEVER, WE'D STILL LIKE
TO SEE THE CAB ACT AS OF NOW ON TORONTO. ONE THING
AT A TIME.
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